

HB 464 -- Sheriffs

Sponsor: Higdon

This bill changes the laws regarding sheriffs. In its main provisions, the bill:

(1) Specifies that no person will be eligible for the office of sheriff unless he or she holds a valid peace officer license under Chapter 590, RSMo. The bill requires any person filing for the office to have the license at the time of filing. This provision does not apply to the sheriffs of St. Louis County or St. Louis City (Section 57.010);

(2) Allows the sheriff of any county, regardless of classification, to employ an attorney to aid and advise in the discharge of his or her duties and to represent him or her in court (Section 57.104);

(3) Requires a sheriff to receive a fee of \$10 for every civil case filed in the county to be collected at the time of filing by the court clerk as court costs. The fee collected will be sent to the State Treasurer to be deposited into the newly-created Sheriff Salary Supplementation Fund. The money in the fund will be administered by the Peace Office Standards and Training Commission and is to be used solely to supplement the salaries and employee benefits of county sheriffs (Sections 57.280 and 57.282);

(4) Specifies the annual salary paid to any sheriff by the county commission and any supplemental funds received from the Sheriff Salary Supplementation Fund must total an amount no less than 70% of the compensation of a full-time county prosecuting attorney, but cannot exceed the prosecuting attorney's compensation amount. If the sheriff is in a first class county or St. Louis City, then the total must be an amount no less than 90% of the amount of compensation of a full-time county prosecuting attorney, but cannot exceed the prosecuting attorney's compensation amount (Section 57.317);

(5) Allows any county that has incurred costs to support a person or paid for the medical services of a person in jail who has failed to pay for the support or medical service for a period greater than 90 days to submit a claim to the Director of the Department of Corrections for the unpaid costs of the support or service. The bill requires the director to review all claims submitted and, if it has merit, he or she may certify the debt to the Department of Revenue to set off any income tax refund and lottery prize payouts the debtor may receive. The bill revises the definition of "debt" as used in the debt set off provisions in Sections 143.782 to

143.788, to include any claim for unpaid costs of imprisonment or unpaid medical services rendered while imprisoned that is being enforced by the Department of Corrections on behalf of a county under these provisions (Sections 143.782, 143.793, and 313.321);

(6) Allows the sheriff to establish and operate a canteen or commissary in the county jail for the use and benefit of the prisoners. The revenues received from the canteen or commissary are to be kept in a separate account and must be used to acquire the goods sold and other minimum expenses of operation, with any excess moneys remaining to be deposited into the Inmate Prisoner Detainee Security Fund (Section 221.102);

(7) Requires that all moneys received by a county or St. Louis City from the state for the cost of incarcerating prisoners in county jails to be paid to the county and credited to the budgeted operational cost of the county jail (Section 221.105);

(8) Allows a court to issue an order suspending a person's business, professional, or occupation license, including a person's law, hunting, and fishing license when the person owes the county more than \$2,500 for the cost of imprisonment or medical services incurred while he or she was imprisoned. The bill specifies the required notice of intent to suspend and the suspension hearing procedure. Upon receiving a court order suspending a license, a licensing authority must determine whether the authority has issued a license to the person whose name appears on the order, enter the suspension as effective from the date on the order, issue the notice of the suspension to the person, and, if required by law, to demand the surrender of the suspended license. The court order must be implemented by the licensing authority and continue until the court advises that the suspension has been stayed or terminated. Any person whose license is suspended by these provisions who continues to engage in the business, occupation, profession, or other licensed activity will be guilty of a class A misdemeanor. Once the court determines that a debt has been paid in full, the court must terminate the order suspending the license and notify both the licensing authority and the person whose license had been suspended (Sections 221.123-221.127); and

(9) Allows sheriffs, county marshals, or other officers to charge for their services rendered in cases disposed of by a traffic violation bureau. The charges from the traffic violation bureau cases are to be distributed with one-half deposited into the newly-created Missouri Data Exchange (MODEX) Fund, for the operational cost of the MODEX system, and one-half deposited into the Inmate Prisoner Detainee Security Fund of the county or municipality for which the citation originated, if the fund has been established. The MODEX Fund will be administered by the Peace

Officers Standard and Training Commission and can only be used for the operational support and expansion of the MODEX system (Section 488.5320).